

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, JANUARY 26, 2009

Present: Ald. Coletti (Chair), Lennon, Salvucci, Gentile, Parker and Schnipper

Absent: Ald. Johnson and Freedman

City Staff: Tom Daley (Commissioner Public Works Department), Bob DeRubeis (Deputy Commissioner Park & Recreation Department), Candace Havens (Chief Planner Planning & Development Department), Chief Joseph LaCroix (Newton Fire Department), Susan Burstein, Chief Budget Officer and Ed Melendez (Local 863)

#250-01(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend ten thousand dollars (\$10,000) from Receipts Reserved for the purpose of planting trees along Cypress Street. These funds resulted from a condition in a special permit #250-01 granted to The Newton Terraces and Andover Newton Theological School on November 19, 2001 and must be spent or encumbered by March 16, 2009 or they revert to the petitioners. [12-09-08 @ 5:30 PM]

ACTION: **APPROVED 6-0**

NOTE: Candace Havens, Chief Planner Planning & Development Department joined the Committee for discussion on this item.

Ms. Havens presented to Committee members a planting plan of trees, which would be planted along Cypress Street. Ms. Havens indicated the Planning Department and the Terraces have worked out a plan for the installation of various shrubs and trees along Cypress Street by the sidewalk and planting of trees within the buffer area of the Terraces property. The planting will take place completely on the grounds of the Terraces development.

Committee members expressed their concern that the condominium association has not indicated a willingness to take care of these plantings. Committee members are hoping the neighbors would be willing to water these shrubs and trees in the event that the condominium association does not agree to water these trees and shrubs. The plantings must be watered for the first one to two years of planting to ensure they are properly taken care of.

Most importantly, the requested appropriation of \$10,000 must be spent or encumbered by March 16, 2009 or they revert to the petitioners. Plans include the purchasing and planting of trees and shrubs in the spring 2009.

Candace Havens has provided a memorandum dated January 29, 2009 answering Committee members questions, attached to this report.

Committee members approved this item without much debate.

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#31-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty seven thousand eight hundred ninety eight dollars (\$57,898) from Budget Reserve for the purpose of equipping three ladder companies with Rapid Intervention Team Equipment in the Fire Department [01-13-09 @ 4:22 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 8-0 on 1-21-09
ACTION: APPROVED 5-0 (Ald. Parker not voting)

NOTE: Chief LaCroix, Newton Fire Department joined the Committee for discussion on this item.

Chief LaCroix stated to Committee members that he requested this appropriation to purchase Rapid Intervention Team Equipment kits (RIT) with thermal imaging cameras, which are necessary for firefighters to perform their tasks when attending emergencies that have happened throughout the state and City of Newton. These RIT kits will provide the firefighters arriving at a fire scene or will assist them in the process of making emergency rescues to immediately enter into a building to determine if, any persons are inside. The thermal imaging cameras can identify people by the source of heat indicating someone is inside. Currently, Newton Fire Department has three thermal imaging cameras on the ladder trucks.

The most important part of this item is that the mutual aid companies through out the Commonwealth of Massachusetts and Newton has been a major player for many years and was the host for mutual aid.

Chief LaCroix has met with all the Chiefs in the fifty-one communities in the METRO fire district and the METRO group and applied for a federal grant in order to equip these entire first responding pieces of equipment with a Rapid Intervention backpack. Instead of mutual aid men going in a truck to a local fire station within the community which has called for mutual aid the firefighters will arrive directly at the scene of a fire and report to the Assistant Chief. The Assistant Chief will instruct the mutual aid company to go to one of the ladder trucks, enter the vehicle and remove the RIT equipment and standby at the scene in order to make any necessary rescues to the people inside. These firefighters will not physically be putting out the fire they may assist while they are waiting on the scene if it is necessary for them to go inside. These firefighters will not be covering a station they will be actually on the scene in the event of a rapid emergency where they would be required to enter the building to save a firefighter or person.

Chief LaCroix stated Newton has made applied for a grant through the Federal Government to purchase this equipment. Chief LaCroix has requested that he be able to purchase the equipment before approval. The METRO fire district has indicated their willingness to allow the City to purchase this equipment early. The RIT kit costs up to \$9,299.24 per ladder truck and the thermal image cameras cost and additional \$10,000 each. The Fire Department will reimburse the City if the grant is approved. Chief LaCroix and the Executive Department and Union representatives stated that this is equipment is absolutely necessary for the safety of the firefighters.

Committee members approved this item without hesitation.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#30-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from Marathon Receipts for the purpose of funding park improvements and repairs as follows: \$30,000 to replace Fibar ground covering and broken or unsafe playground equipment; and \$25,000 in seed money for the installation of playground equipment at the Burr School and Solomon Schechter Playground. [01/13/09 @ 4:22 PM]

PROGRAM AND SERVICES APPROVED 7-0 (Ald. Hess-Mahan not voting) on 1-21-09

ACTION: APPROVED 5-0 (Ald. Parker not voting)

NOTE: Bob DeRubeis, Deputy Commissioner Park & Recreation Department joined the Committee for discussion on this item.

Mr. DeRubeis indicated the requested appropriation for \$55,000 is for the purpose of funding park improvements and repairs as follows:

- \$30,000 to replace Fibar ground covering and broken or unsafe playground equipment throughout the City
- \$12,500 for the installation of playground equipment at the Burr School Playground
- \$12,500 for the installation of playground equipment at the Solomon Schechter Playground

Mr. DeRubeis stated this appropriation is necessary to upgrade Playground equipment in the City of Newton to ensure equipment is safe for the children's use. Fibar ground covering material needs to be replenished each year in the spring. These two playgrounds are due to receive an upgrade this year.

Committee members approved this authorization without hesitation.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#29-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred fifty-eight thousand five hundred forty-four dollars (\$358,544) from Free Cash for the purpose of supplementing the snow and ice budget in the Parks and Recreation Department as follows: \$35,571 for overtime; and \$322,973 for equipment. [01/13/09 @ 4:23 PM]

PROGRAM AND SERVICES APPROVED 6-0 (Ald. Baker and Hess-Mahan not voting) on 1-21-09

ACTION: APPROVED AS AMENDED AT \$468,756.00 5-0 (Ald. Parker not voting)

NOTE: Bob DeRubeis, Deputy Commissioner Park & Recreation Department once again joined the Committee for discussion on this item.

Committee members were provided with an updated letter from Mayor Cohen, dated January 22, 2009 requesting to appropriate and additional \$110,212 from Free Cash. The new total of \$468,756 is broken down as follows:

	Snow Emergencies	Tree Emergencies	TOTAL
Overtime	\$ 40,386	\$ 2,811	\$ 43,197
Equipment Rental	\$407,950	\$17,609	\$425,559
Total	\$448,336	\$20,420	\$468,756

Mr. DeRubeis indicated this additional appropriation would cover \$102,586 in Snow Emergency rental expenditures and \$7,626.00 in Department over time expenditures, leaving the Department of Public Works with \$181,400 in snow emergency equipment rental and \$40,402 in snow emergency departmental overtime money to handle any emergencies that may occur during the remainder of FY09.

Committee members asked Mr. DeRubeis to provide a breakdown of these funds of each snow fighting operation to help the Finance Committee understand the snow and ice funding this year.

Committee members voted in favor to amend this item to \$468,756.

#353-08 ALD. COLETTI requesting monthly report by Executive Office before Post Audit and Oversight Committee on snow and salt expenditure from November 2008 through April 2009. [09-30-08 @ 1:54 PM]

ACTION: **HELD 5-0 (Ald. Parker not voting)**

NOTE: Susan Burstein, Chief Budget Officer and Tom Daley, Commissioner Public Works Department joined the Committee for discussion on this item.

Mr. Daley presented an updated snow report from David Turocy, Deputy Commissioner of Public Works Department dated January 23, 2009 covering the winter season expenditures through January 22, 2009 and shows an amount of \$2,371,245 spent (expended, encumbered and to be processed) broken down as follows:

Plow Contractors	\$788,570
Salt/Sand	\$983,243
Labor/Parts/Etc.	\$599,432

Mr. Daley stated that currently there is \$36,695 available for future snowstorms as the year progresses.

Committee members requested from Ms. Burstein to docket additional funds for the Department of Public Works Department before they go into any future debt.

After reviewing the provided information, Committee members thanked Mr. Daley and the item was held to a future date.

#349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]

ACTION: **HELD 5-0 (Ald. Parker not voting)**

NOTE: Ald. Coletti informed Committee members that the Executive Department is still in the process of completing a Capital Improvement Plan. Although a plan has not been submitted for Committee members review Mayor Cohen has indicated the Executive Department is ready to release a five-year Capital Improvement Plan.

A motion was made to hold this item pending the delivery of the Capital Improvement Plan to the Finance Committee members before the submission of the budget.

#207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
(A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
(B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
(C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @ 12:12 PM]

HELD 8-0 on 9-8-08

ACTION: **HELD 5-0 (Ald. Parker not voting)**

NOTE: Ald. Coletti stated the amended FY 2010 Financial Management Guidelines, which relate to employment compensation and salary adjustments are being tied to revenue growth. The collective bargaining contracts also include a reference to a pattern, which relates to this Cities revenue, which are available for utilization of forgiving raises and step increases.

Ald. Coletti informed Committee members he received a telephone call from Sandy Pooler, Chief Admin. Officer this week indicating he is prepared under a suspension of the rules or under an executive session to discuss this item with Committee members with the hopes they receive a guideline in place for the upcoming budget.

A motion was made to hold this item pending the discussion with Mr. Pooler.

Appointment by His Honor the Mayor

#483-08 ROBERT CARP, 22 Hollywood Drive, Chestnut Hill, appointed as a Constable for the City of Newton for a term of office to expire November 30, 2011.
(60 days 2-13-09) [12-3-08 @ 4:02 PM]

ACTION: **APPROVED 5-0-1 (Ald. Schnipper abstaining)**

NOTE: Mr. Carp joined the Committee for discussion on this item.

The Finance Committee received a letter dated December 2, 2008 from His Honor the Mayor recommending the appointment of Mr. Carp as a Constable. Mr. Carp's application was submitted for the Committee members review.

Mr. Carp indicated he works in the business of the internet and networking. He is currently pursuing degrees at Harvard University and the Massachusetts School of Law with anticipated graduation dates of June 2009.

Mr. Carp stated in his practice he often appears at Newton District Court for the purpose of representing companies against citizens who may either owe money or have not paid bills that are due to local businesses for services, which they have provided. Mr. Carp indicated he would like to expand his business and hire additional people to assist him in his collection and court efforts in the City of Newton. Currently, he hires people to perform these services.

Committee members expressed their concerns and attempted to explain to Mr. Carp that the recommendation of him being appointed as Constable for the City of Newton does not allow employees in his company to act on his behalf.

Committee members asked how he conducts his business relating to him this would be a different utilization of a Constable authority in the City of Newton. Committee members would also like to know why the Executive Department has created additional Constable positions when other Constables have not retired or deceased. As a result, there is an abundance of Constables being appointed in the City. Committee members also asked if this appointment is an appointment for life or is it renewable every three years.

Ald. Coletti requested a copy of the Mass General Laws Chapter 41, Section 91 to explore exactly these appointments if they are subject to a complete renewal or whether there is a presumption that these people be removed every three years. Mass General Laws Chapter 41, Section 19 is attached to this report.

The committee approved this appointment pending his completed CORI results and his \$5,000 surety bond made out to the City of Newton is attached to this report.

Committee Clerk's note: Karen Kinnealey, Human Resources Department informed the Committee Clerk by telephone on January 29, 2009, Mr. Carp did not have a positive CORI report.

Ald. Parker made the motion for approval.

At approximately 9:45 pm, Ald. Salvucci moved for adjournment, which was approved 5-0.

Respectfully Submitted,

Paul E. Coletti, Chairman



#250-01(5)
CITY OF NEWTON, MASSACHUSETTS

Planning & Development Department

Michael J. Kruse, Director

#250-01(5)

David B. Cohen
Mayor

January 29, 2009

TO: Alderman Paul Coletti, Chair
Members of the Finance Committee

FROM: Candace Havens, Chief Planner 

RE: Request for release of \$10,000 from Receipts Reserved for screen plantings on Cypress Street; BO#250-01 for *The Terraces* at 287 Langley Road

Cc: Board of Aldermen
Mayor David B. Cohen
Mike Kruse, Director of Planning and Development
Deborah Coogan, Esq., President of *The Terraces* Condominium Association
Marc Welch, City Director of Urban Forestry
Adam Peller

At the January 26th meeting of the Finance Committee, some members expressed concerns about the watering of proposed new plantings on *The Terraces* property. Since that time, I have conferred with the City's Director of Urban Forestry, the President of the *The Terraces* Condominium Association, and a representative from the immediate neighborhood, Adam Peller and all have agreed to share some responsibility for making sure these plants survive, especially during the first year. The Director of Urban Forestry can include watering in the contract for installation of the plants. *The Terraces* representative will meet with the Director to establish the types and exact locations of the plants and their watering needs and has offered to assist where possible. The neighbors also have offered to supplement waterings and will coordinate with *The Terraces* for access if this becomes necessary.

Effective Date: January 25, 2009

Western Surety Company

CONSTABLE'S BOND

Bond No. 70653450
Robert H. Carp, as Principal and WESTERN SURETY COMPANY, as Surety

The undersigned Principal and Surety are held and firmly bound unto the Collector-Treasurer of City of Newton, Commonwealth of Massachusetts in the sum of Five Thousand and 00/100 DOLLARS (\$ 5,000.00), to be paid to said Collector-Treasurer to which payment well and truly to be made they jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

The condition of this obligation is, that if the undersigned Principal, having been appointed and confirmed a Constable of City of Newton, Commonwealth of Massachusetts, to hold office for the term ending January 25, 2010, and until another be appointed and confirmed in his place, shall faithfully perform his duties as Constable in the service of all civil processes committed to him, this obligation shall become of no effect, otherwise it shall continue in full force.

Signed, sealed and delivered January 26, 2009

In the presence of

[Signature]
Witness
Johnson
M. Quie

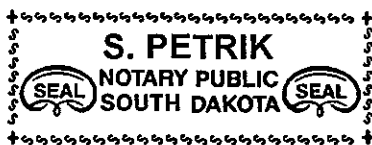
By [Signature] Principal
WESTERN SURETY COMPANY
By Paul T. Bruflat Surety
Paul T. Bruflat, Senior Vice President

ACKNOWLEDGMENT OF SURETY (Corporate Officer)

STATE OF SOUTH DAKOTA } ss
County of Minnehaha



On this 26th day of January, 2009, before me appeared Paul T. Bruflat, to me personally known, who being by me duly sworn, did say that he is the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.



My Commission Expires August 11, 2010

S. Petrik
Notary Public

09 JAN 30
CITY CLERK
NEWTON, MA.
11:30
2159

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Senior Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One CONSTABLE CITY OF NEWTON

bond with bond number 70653450

for ROBERT H. CARP

as Principal in the penalty amount not to exceed: \$5,000.00.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its
Senior Vice President with the corporate seal affixed this 26th day of January,
2009.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

Paul T. Bruflat

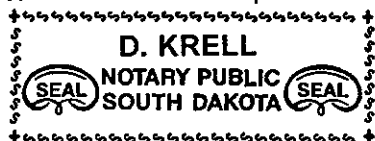
Paul T. Bruflat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss



On this 26th day of January, 2009, before me, a Notary Public, personally appeared
Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires November 30, 2012

Form F1975-9-2006

D. Krell

Notary Public

